

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

## CHARLES VERDEL FARNSWORTH,

Plaintiff,

V.

SANDRA CARTER, *et al.*,

## Defendants.

Case No. C05-5139FDB

## ORDER ADOPTING REPORT AND RECOMMENDATION

The Court, having reviewed, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) This action is **Dismissed For Failure To State a Claim**. Plaintiff has no constitutional right to watch television and rental of televisions does not violate equal protection.
- (3) The Clerk is directed to send copies of this Order to plaintiff, counsel for defendants, and to the Hon J. Kelley Arnold.
- (4) The Clerk is also directed to count this dismissal as a strike pursuant to 28 U.S.C. 1915 (g).

DATED this 22<sup>nd</sup> day of June 2005.

FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE

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